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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

Defendants.

Case No. 17-cv-05211-WHA  
Case No. 17-cv-05235-WHA  
Case No. 17-cv-05329-WHA  
Case No. 17-cv-05380-WHA  
Case No. 17-cv-05813-WHA

**STIPULATION AND ~~PROPOSED ORDER~~**

1       Subject to the Court's approval, all parties, through their undersigned counsel of record,  
2 hereby stipulate as follows:

3       1.       At midnight on September 30, 2025, the appropriations act that had been funding  
4 the Department of Justice expired and appropriations to the Department lapsed. The same is true  
5 for other Executive Branch agencies, including the Department of Homeland Security. The date  
6 when funding will be restored by Congress is unknown.

7       2.       Defendant has conveyed the following to Plaintiff:

8           a.       The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,  
9 provides that in the absence of appropriated funds no obligation can be incurred except for the  
10 protection of life and property, the orderly suspension of operations, or as otherwise authorized by  
11 law. Absent an appropriation, Department of Justice attorneys are prohibited from working, even  
12 on a volunteer basis, "except for emergencies involving the safety of human life or the protection  
13 of property." 31 U.S.C. § 1342. An officer or employee of the United States who violates 31  
14 U.S.C. § 1341(a) (obligate/expend in excess or advance of appropriation), § 1342 (voluntary  
15 services prohibition), or § 1517(a) (obligate/expend in excess of an apportionment or  
16 administrative subdivision as specified in an agency's regulations) "shall be subject to appropriate  
17 administrative discipline including, when circumstances warrant, suspension from duty without  
18 pay or removal from office." 31 U.S.C. §§ 1349(a), 1518.

19           b.       Undersigned counsel has now been furloughed for the duration of the lapse in  
20 appropriations, except to the extent necessary to carry out activities that are excepted from the  
21 statutory requirements above. Undersigned counsel is therefore not permitted to work on this  
22 matter during the lapse in appropriations.

23       3.       The parties therefore request a stay of the obligation to file joint status reports in  
24 this matter until Congress has restored appropriations to the Department of Justice. The parties  
25 further request that all deadlines in this case be extended for a period of time commensurate with  
26 the duration of the lapse in appropriations—*i.e.*, each deadline would be extended by the total  
27 number of days of the lapse in appropriations.

1       4. If this motion is granted, counsel for the United States will promptly notify the  
2 Court as soon as appropriations are restored.

3           IT IS SO STIPULATED.

1 Dated: October 1, 2025

Respectfully submitted,

2 BRETT A. SHUMATE  
3 Assistant Attorney General  
Civil Division

4 BRAD P. ROSENBERG  
5 Special Counsel

6 */s/ Stephen M. Pezzi*  
7 STEPHEN M. PEZZI (FL Bar #1041279)  
Senior Trial Counsel  
8 United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 305-8576  
Email: stephen.pezzi@usdoj.gov

9  
10  
11 *Attorneys for Defendant*

1 COVINGTON & BURLING LLP  
2

3 /s/ Jeffrey M. Davidson  
4 JEFFREY M. DAVIDSON

5 *Attorneys for Plaintiffs The Regents of the  
University of California and Janet Napolitano, in  
her official capacity as President of the University  
of California*

6 GIBSON, DUNN & CRUTCHER LLP  
7

8 /s/ Matthew S. Kahn  
9 MATTHEW S. KAHN

10 PUBLIC COUNSEL  
11

12 /s/ Mark D. Rosenbaum  
13 MARK D. ROSENBAUM

14 *Attorneys for Plaintiffs Dulce Garcia, Miriam  
Gonzalez Avila, Saul Jimenez Suarez, Norma  
Ramirez, and Jirayut Latthivongskorn*

15 COTCHETT, PITRE & McCARTHY, LLP  
16

17 /s/ Kevin J. Boutin  
18 KEVIN J. BOUTIN  
19 *Attorneys for Plaintiff City of San Jose*

20 ROB BONTA  
21 Attorney General of California  
22

23 /s/ Delbert Tran  
24 DELBERT TRAN  
25 Deputy Attorney General  
26 *Attorneys for Plaintiff State of California*

27 AARON M. FREY  
28 Attorney General of Maine  
KIMBERLY L. PATWARDHAN (*pro hac  
vice*)  
Assistant Attorney General  
*Attorneys for Plaintiff State of Maine*

ANTHONY G. BROWN  
Attorney General of Maryland  
JEFFREY S. LUOMA (*pro hac vice pending*)  
Assistant Attorney General  
*Attorneys for Plaintiff State of Maryland*

KEITH ELLISON  
Attorney General State of Minnesota  
JEFFREY BOMAN (*pro hac vice*)  
*Attorneys for Plaintiff State of Minnesota*

1 ALTSHULER BERZON LLP  
2

3 /s/ Stacey M. Leyton  
4 STACEY M. LEYTON  
5 *Attorneys for Plaintiffs COUNTY OF  
SANTA CLARA AND SERVICE  
EMPLOYEES INTERNATIONAL  
UNION LOCAL 521*

6 TONY LOPRESTI (SBN 289269)  
7 County Counsel  
8 LAURA S. TRICE (SBN 284837)  
9 OFFICE OF THE COUNTY COUNSEL  
10 70 West Hedding Street, East Wing, Ninth  
Floor  
11 San Jose, California 95110  
12 Telephone: (408) 299-5900  
13 Facsimile: (408) 292-7240  
14 Email: laura.trice@cco.sccgov.org

15  
16 /s/ Laura S. Trice  
17 LAURA S. TRICE  
18 *Attorneys for Plaintiff COUNTY OF  
SANTA CLARA*

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21 \* In compliance with Civil Local Rule 5-  
22 1(i)(3), the filer of this document attests  
23 under penalty of perjury that all signatories  
24 have concurred in the filing of this  
25 document.  
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2                   **[PROPOSED] ORDER**

3                   Pursuant to the parties' stipulation, **IT IS HEREBY ORDERED THAT:**

- 4                 1.         The obligation to file joint status reports in this matter is hereby **STAYED** until  
5                   appropriations have been restored;
- 6                 2.         All deadlines in this case are extended for a period of time commensurate with the  
7                   duration of the lapse in appropriations; and
- 8                 3.         The Government will promptly notify the Court as soon as appropriations have  
9                   been restored.

10                   **IT IS SO ORDERED.**

11                   DATED: **October 2, 2025.**

